

REMARKS

The present application was filed on November 14, 2000 with claims 1 through 23. Claims 1 through 23 are presently pending in the above-identified patent application. Claims 1, 8, 13, 16, and 21-23 are proposed to be amended herein. A
5 Request for Continued Examination is submitted herewith.

In the Decision on Appeal, the Appeal Board found the invention recites an abstract idea and affirmed the rejection of claims 1-23 under 35 U.S.C. § 101. The Appeal Board reversed the rejections of claims 1-7 and 13-20 under 35 U.S.C. § 102(b) and affirmed the rejections of claims 8-12 and 21-23 under 35 U.S.C. § 102(b).

10 Section 101 Rejections

Claims 1-23 were rejected as being directed to non-statutory subject matter. In the Decision on Appeal, the Appeal Board found the invention recites an abstract idea.

Applicants note that the independent method claims have been amended to
15 require *wherein one or more of said steps are performed by a hardware device* and are therefore tied to another statutory category that accomplishes the claimed method steps. In addition, the independent claims have been variously amended to require *determining a characterization of an object*.

Thus, as expressly set forth in each of the independent claims, the claimed
20 methods or system describe *determining a characterization of an object* and transform an object to a characterized object. This transformation to a characterized object provides a useful, concrete and tangible result.

Applicants submit that each of claims 1-23 are in full compliance with 35 U.S.C. §101, and accordingly, respectfully request that the rejection under 35 U.S.C.
25 §101 be withdrawn.

Independent Claims 1, 13, 16 and 22

Independent claims 1, 13, 16 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by McAulay et al.

The Appeal Board found that the Examiner has not shown that McAulay
30 discloses “selecting at least one of said one or more data classification models based on a meta-feature that characterizes said domain data set” and reversed the rejections of claims

1-7 and 13-20 under 35 U.S.C. § 102(b). Furthermore, independent claim 22 recites *selecting at least one of said one or more data classification models based on a meta-feature that characterizes said domain data set*. The rejection of independent claim 22 should therefore be reversed for the same reason.

5 Independent Claims 8 and 21-23

Independent claims 8 and 21-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by McAulay et al. Regarding claim 8, the Examiner asserts that McAulay teaches selecting a data classification model for classifying a domain dataset by comparing characteristics of said domain dataset to said rules (FIG. 1, lines 4-5).

10 Applicants note that McAulay teaches a rule-based learning algorithm that searches “any properly represented domain of knowledge structures for ones with higher associated measures of performance.” (Page 1393, Section II.A.) McAulay, however, does *not* disclose selecting data classification models based on *characteristics of a domain data set*. Independent claim 8, 21, and 23 require selecting a data classification
15 model for classifying a domain dataset by comparing characteristics of said domain dataset to said rules.

Thus, McAulay et al. do not disclose or suggest selecting a data classification model for classifying a domain dataset by comparing characteristics of said domain dataset to said rules, as required by independent claims 8, 21, and 23.

20 Dependent Claims 2-7, 9-12, 14-15 and 17-20

Claims 2-7, 9-12, 14-15 and 17-20 are dependent on claims 1, 8, 13, and 16, respectively, and are therefore patentably distinguished over McAulay et al. because of their dependency from amended independent claims 1, 8, 13, and 16 for the reasons set forth above, as well as other elements these claims add in combination to their base
25 claim.

All of the pending claims following entry of the amendments, i.e., Claims 1-23, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to
30 contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

/Kevin M. Mason/

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